



City of Sunnyvale: Retailer Frequently Asked Questions

Bring Your Own Bag Ordinance

Effective: For Phase 1 June 20, 2012 & Phase 2 March 20, 2013

About the Ordinance:

1. What does the single-use carryout bag ordinance say?

Starting June 20, 2012, grocery stores (including convenience and liquor stores), large drug stores and other stores larger than 10,000 square feet may no longer provide single-use plastic carryout bags at checkout. Stores may give or sell to customers reusable carryout bags and paper carryout bags that meet the requirements in the ordinance. Stores must charge a minimum of ten cents per paper bag (a store may keep the ten cents), show the bag charge separately on the receipt and provide quarterly reports to the City on the number of paper bags sold.

2. Why is Sunnyvale banning single-use plastic bags?

One hundred billion single-use plastic bags are used every day in the United States. Sunnyvale consumes 75 million plastic bags annually, which are made primarily from fossil fuel (natural gas) resources. Due to their light weight and aerodynamic properties, these bags easily escape into the environment from homes, businesses, waste handling facilities and landfills. Once in the environment, they have undesirable impacts on water quality, stormwater drains, wildlife, solid waste and recycling equipment and the appearance of the Sunnyvale community.

3. Why does the ordinance require that stores charge for paper bags?

The intent of the ordinance is to minimize the use of single-use carryout bags, regardless of what they are made of. As with plastic bags, the production, use and disposal of paper bags consume natural resources. The mandatory charge for paper bags will minimize the substitution of paper bags for plastic bags.

4. When will this ordinance take effect?

The ordinance will take place in two phases. Approximately 132 stores in Phase One will be affected by the ordinance on June 20, 2012. The ordinance will expand to approximately 450 more stores in March 20, 2013 in Phase Two (for a list of stores anticipated to be affected, visit Bringyourbags.inSunnyvale.com).

5. To which stores does this ordinance apply?

This ordinance applies to all retailers that sell dry grocery and canned goods, perishable food items and non-food items. Examples of these establishments include but are not limited to supermarkets, drug stores, produce stores, convenience stores, and stores that sell liquor, clothing, pet supplies, and auto parts.

6. Are any stores or customers exempt from the ordinance?

Non-profit or charitable goods stores that receive 50% or more of their revenue from donated goods are exempt from the ordinance. Public eating establishments (restaurants) that receive 90% or more of their revenue from prepared food are also excluded.

Consumers paying for purchases with funds from the Supplemental Food Program or the WIC Program are not required to pay the paper bag charge. Stores must provide to customers, free of charge, paper bags or (at the store's option) reusable bags.

7. Will outreach material be provided to Sunnyvale residents?

Yes. City staff will be conducting outreach throughout the City by way of letters, emails, community events and visits to stores. Retailer Toolkits will also be provided to stores to help them communicate the ban to residents.

8. Will the City offer a credit program off sales tax to stores who donate reusable bags?

No. However, stores are encouraged to offer credits of five to 10 cents to customers who bring their reusable bags with them to stores.

Bags:

9. Are paper bags still allowed?

Paper bags that are made with a minimum of 40% post-consumer recycled paper and are 100% recyclable will be allowed for distribution, with a 10 cent charge per bag. The bags must have the words "Reusable" and "Recyclable" clearly displayed on the bag. The name and location of the bag manufacturer along with the percentage of post-consumer recycled content must also be clearly labeled on each individual bag (an approved list of bag manufacturers can be found at Bringyourbags.inSunnyvale.com).

10. How much are stores required to sell paper bags for?

Stores must charge customers a minimum of 10 cents per paper bag. The charge is scheduled to increase to 25 cents per paper bag in 2014.

11. Who keeps the paper bag charge? Is the bag taxable?

The bag charge is kept by the store. The bag is not taxable. Please refer to State Board of Equalization website at www.boe.ca.gov/news/pdf/1282.pdf

12. Does the sale of a paper bag need to be on a consumer receipt?

Yes. All sales of approved paper bags must be itemized separately on the consumer receipt.

13. Do stores need to maintain records of paper bag use and sales?

Yes. Stores must keep a record of:

- The number of paper carryout bags provided to customers.
- The amount of money collected for the bags.
- A summary of any efforts the store has made to promote the use of reusable bags by customers.

This information must be reported to the City's Director of Environmental Services on a quarterly basis.

Stores have three options for submitting the Quarterly Bag Report form required for submittal:

- Online submittal by visiting Bringyourbags.inSunnyvale.com and clicking on Quarterly Bag Report Form.
- Print the form from the website Bringyourbags.inSunnyvale.com and mail to:
City of Sunnyvale Recycling Program, P.O. Box 3707 Sunnyvale, CA 94088 Att: Quarterly Bag Report
- Print the form from the website Bringyourbags.inSunnyvale.com and hand deliver to:
Sunnyvale City Hall, 650 Olive Ave, Sunnyvale, CA 94086

14. Are stores required to distribute or sell reusable bags?

Stores are encouraged, but not required, to make reusable bags available to customers, either for sale or at no charge (For a list of reusable bag manufacturers please visit Bringyourbags.inSunnyvale.com).

15. Can stores distribute any type of reusable bag at the check-out stand?

Stores can give away or sell reusable bags at the check-out stand (point of purchase) if they meet the six requirements as defined in the ordinance. A reusable bag is defined as:

- A bag with handles,
- Capable of carrying 22lbs, 125 times, over a distance of 175 feet with a volume of 15 liters.
- **All bags given away or sold at point of sale must be tested and certified for toxicity and durability.** Visit the County of Los Angeles' website (see below) for a list of bag vendors in compliance with the ordinance and find resources to test reusable bags. Reusable bags sold at point of sale are taxable. <http://dpw.lacounty.gov/epd/aboutthebag/bagtesting.cfm>.

Note: Plastic bags with handles that are 2.25 mil thick have not been tested for durability and are currently not allowed in Sunnyvale until certification is presented by the manufacturer or store that wishes to use these bags at the check-out stand. See Bringyourbags.inSunnyvale.com for examples of these bags.

16. Are produce, meat or pharmaceutical bags still allowed to be used?

Yes. Plastic bags or “protective bags” without handles used to contain meat, produce or pharmaceuticals are allowed. Protective bags are prohibited from being distributed at the check-out stand as a carryout bag.

17. Can stores provide customers with compostable/biodegradable plastic carryout bags?

No, compostable/biodegradable plastic carryout bags are not allowed.

18. Is there a law that requires stores put alcoholic beverages into carryout bags?

The California Department of Alcoholic Beverage Control has released an Industry Advisory regarding this question. There is no California law that mandates a store provide a bag for purchased alcoholic beverages. There is also no law requiring stores in the City of Sunnyvale that mandates stores to provide a bag for purchased alcoholic beverages. If a paper bag is provided, you must apply the 10 cent charge.

Compliance:

19. What other steps do I need to take to be in full compliance with this new ordinance?

Read the entire ordinance at Bringyourbags.inSunnyvale.com to make yourself familiar with the requirements. A FREE **Retailer Toolkit** is available to stores that include a poster, cashier tent, window decal, and parking lot sign designed to help educate your customers. To receive a toolkit and to receive important periodic updates about the ordinance email the Recycling Program at Bringyourbags@ci.sunnyvale.ca.us

20. What are the legal consequences if a store does not comply with the ordinance?

The City anticipates voluntary compliance by stores. However, if enforcement is required, it will begin with a written warning notice. If a store operator continues to violate any section of the ordinance, the operator will be guilty of an infraction, and subject to a fine not exceeding \$100. A second violation will result in a fine not exceeding \$200, with subsequent violations resulting in fines not exceeding \$500.